

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
S/S Bullneck Road, 210 ft. E of c/j Faircross Road
8209 Bullneck Road
12th Election District
7th Councilmanic District

Gary P. Sweat
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-400-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Sections 301.1 and 303 of the Baltimore County Zoning Regulations (B.C.Z.R.) as they relate to front yard, side yard and rear yard setbacks for the subject property. Specifically, the Petitioner seeks approval to allow a front porch with a setback of 24 ft., in lieu of the required 30 ft.; a carport with a setback of 3 ft., in lieu of the required 7-1/2 ft.; a pool/deck with a setback of 10 ft., in lieu of the required 22-1/2 ft. and a vestibule with a setback of 3-1/2 ft. in lieu of the required 8 ft., all as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1992 that the Petition for a Zoning Variance from Sections 301.1 and 303 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front porch with a setback of 24 ft., in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to allow a carport with a setback of 3 ft., in lieu of the required 7-1/2 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to allow a pool/deck with a setback of 10 ft., in lieu of the required 22-1/2 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to allow a vestibule with a setback of 3-1/2 ft., in lieu of the required 8 ft., all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however,

-2-

er, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management (DEPRM) recommendations to be submitted upon completion of their review of this matter.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmm

ORDER RECEIVED FOR FILING
Date 7/22/92
By [Signature]

-3-

Baltimore County Department of Planning and Zoning
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(110) 887-1386

May 22, 1992

Mr. Gary P. Sweat
8209 Bullneck Road
Baltimore, Maryland 21222

RE: Petition for Residential Zoning Variance
Case No. 92-400-A

Dear Mr. Sweat:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variances has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3191.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12 Date of Posting: 7/22/92
Posted for: Gary P. Sweat
Petitioner: Gary P. Sweat
Location of property: 8209 Bullneck Rd.
Location of Signs: 8209 Bullneck Rd.
Remarks: none
Posted by: [Signature] Date of return: 7/22/92
Number of Signs: 4

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 301.1 (301) To allow an open carport with a side setback of 31'-4" in lieu of the required 7.5', To allow a deck with pool projection with a rear setback of 10' in lieu of the required 22'-6" To allow an enclosed vestibule of 4'x12' with a side setback of 3'-5' in lieu of the existing 8'.

Addition on front & sides are to enclose foyers for weather protection. Existing carport was rotten & replaced to protect vehicles from weather and water from entering basement. Deck existed from previous owner since 1980's and was replaced with pressure treated lumber.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to be and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or print name)

(Signature)

(Type or print name)

City

State Zip Code

Address for Petitioner:

(Type or print name)

(Signature)

Address

Phone

Legal Owner(s):

(Type or print name)

(Signature)

(Type or print name)

City

State Zip Code

Address

Phone

City

State Zip Code

Address

Phone

City

State Zip Code

Address

Phone

City

State Zip Code

Address

Phone

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of July, 1992, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

REVIEWED BY: LG DATE: 4-15-92 ZONING COMMISSIONER OF BALTIMORE COUNTY

ESTIMATED POSTING DATE: 5/23/92 ESTIMATED CLOSING DATE: 5/23/92

ITEM # 430

AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE 92-400-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 8209 Bullneck Road
Baltimore MD 21222
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate building or parcel affected)

Addition on front & sides are to enclose foyer for weather protection. Existing carport was rotten and replaced to protect vehicles from weather and water from entering basement. Deck existed from previous owner since 1980's and was replaced with pressure treated lumber.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Gary P. Sweat
Signature
Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, the 15th day of April, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gary P. Sweat

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

April 15, 1992

My Commission Expires: October 1, 1992

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 8209 BULLNECK RD.
(address)

Beginning at a point on the SOUTH side of BULLNECK RD
(north, south, east or west) (name of street)
which is 50' (number of feet of right-of-way width)
street on which property fronts)
wide at the distance of 230' EAST of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street FAIRCROSS RD
(name of street)
which is 50' wide. "Being Lot # 5,
(number of feet of right-of-way width)
Block B, Section # B in the subdivision of MURRAY POINT
(name of subdivision)
as recorded in Baltimore County Plat Book # 13, Folio # 19, containing
5,100 sq. ft. Also known as 8209 BULLNECK RD
(square feet or acres) (property address)
and located in the 12 Election District, 7 Councilmanic District.

"If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber #, Folio #, and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R001650
Number

Cashier Validation

Please Make Checks Payable To Baltimore County \$35.00

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 14, 1992

Mr. Gary P. Sweat
8209 Bullneck Road
Baltimore, MD 21222

RE: Item No. 430, Case No. 92-400-A
Petitioner: Gary P. Sweat
Petition for Administrative Variance

Dear Mr. Sweat:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 15th day of April, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Rehaway Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Gary P. Sweat
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: April 28, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - April 20, 1992 & April 27, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Charles Eberman - ITEM 425
Gary P. Sweat - ITEM 430
Kathleen and Jimmy Ledwell
Jeffrey and Doris Scheeler
Louis and Janet Heidrich

If there should be any further questions or if this office can provide additional information, please contact Francis Norsey in the Office of Planning and Zoning at 887-3211.

425.txt
Petitns.txt

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 30, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 27, 1992

There are no comments for item numbers 429 and 430.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJP/dm

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: May 12, 1992

FROM: J. Lawrence Pilson

SUBJECT: Zoning Item #430 - 8209 Bullneck Road
ZAC Meeting 4-27-92

The above-referenced matter has been reviewed by the Department of Environmental Protection and Resource Management. Comments are as follows:

The Environmental Impact Review Division requests an extension for the review of the Zoning variance petition for 8209 Bullneck Road, to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations.

If you have any questions, please contact me at extension 2762.

J. Lawrence Pilson
J. Lawrence Pilson, Development Coordinator
Department of Environmental Protection
and Resource Management

JLP:tjl

BULLNECK.ZON/TXTSBB

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

MAY 7, 1992

(301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GARY P. SWEAT
Location: #8209 BULLNECK ROAD
Item No.: #430(LJG) Zoning Agenda: APRIL 27, 1992
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. John R. ...* Noted and
Approved
Planning Group U U Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
MAY 11 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 4, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 4, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for the following items: (no item numbers assigned for five properties)

Item 430
K. Ledwell SE/S Old Hanover Road
J. Scheeler and D. Hall-Scheeler 2212 Maple Road
New North Point Company, Inc. 3838 North Point Road
BBS Building Limited 1313 York Road
L. Heidrick #8 Kelbark Court

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:DAK:s

92-400-A
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 22, 1992

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item 430
8209 Bullneck Road
Zoning Advisory Committee Meeting of April 27, 1992.

The Department of Environmental protection and Resource Management offers the following comments on the above referenced zoning item.
See attached Chesapeake Bay Critical Area Findings.

JLP:ju

JABLON/S/TXTJEU

Plat to accompany Petition for Zoning Variance

SPECIAL HEARING

PROPERTY ADDRESS: 8209 BULLNCK RD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: MURRAY DRIFT
plat book # 12, **folio #** 19, **lot #** 5, **section** E

OWNER: Gary Sweat

BULLNCK RD

Variation No. 430

LOCATION MAP
 scale: 1"=100' SITE

LOCATION INFORMATION

Councilmanic District: 7
 Election District: 12
 T'-200' scale map: SE F5
 Zoning: DR 5.5
 Lot size: .12 acre = 5100 sq ft

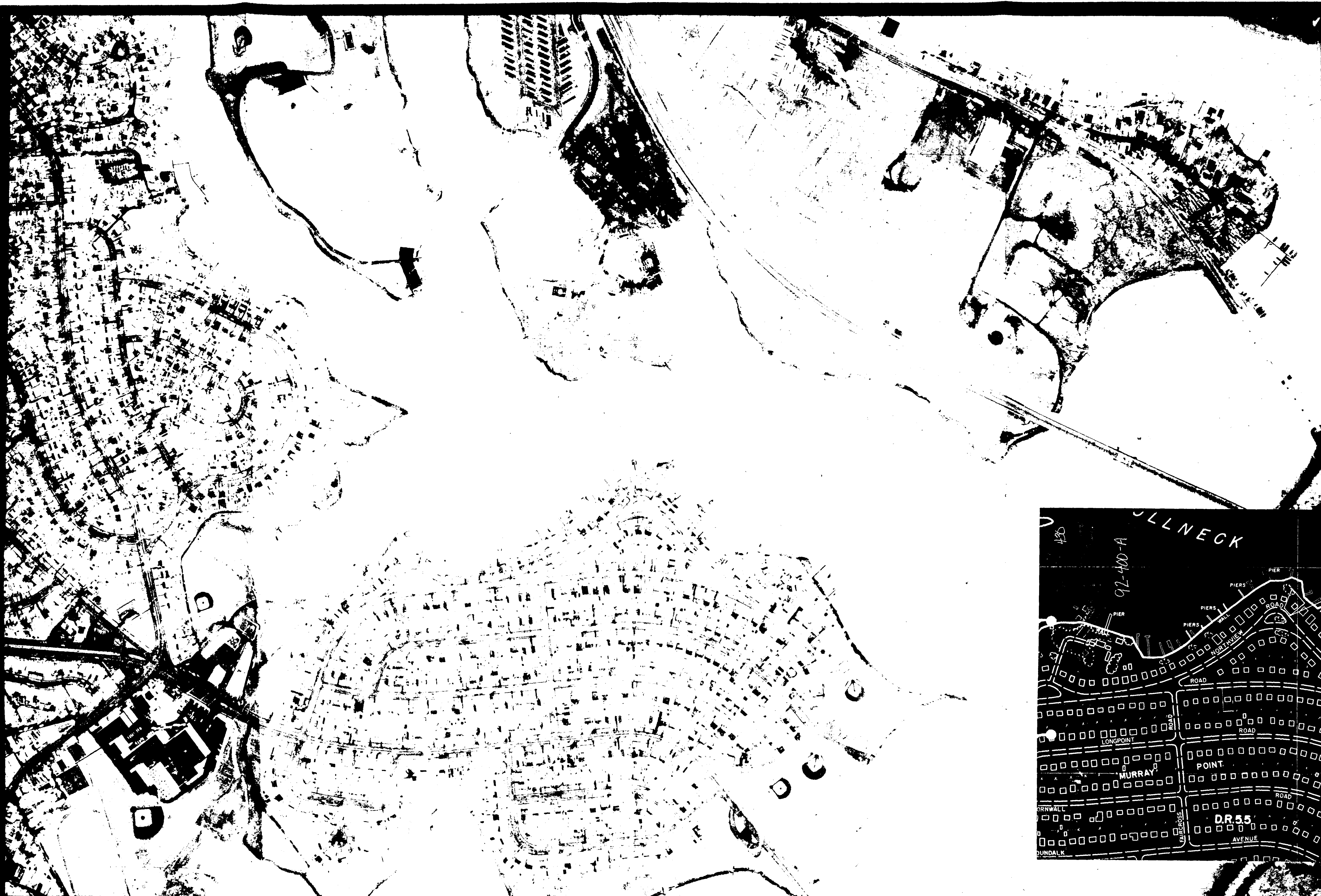
SEWER: ☒ ABOVE GROUND ☐
WATER: ☒ ABOVE GROUND ☐

Chesapeake Bay Critical Area: ☐
Prior Zoning Hearing(s): NONE

Zoning Office USE ONLY!
 reviewed by: ITEM #: CASE#:
 LG 430

North Arrow

date: 4-15-92
prepared by: Gary Sweat Scale of Drawing: 1"= 20'



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	DUNDALK	S E
DATE OF PHOTOGRAPHY JANUARY 1986	SOLLERS POINT	5-F

470